IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15752 of 2004

Between:

1 M.Sudharkar Reddy S/o. Munaswamy Reddy
R/o. Thada Kandriga Village, Tada Mandal, Nellore District.
2 S.Praveena W/o. Sudhakar Reddy
R/o. Thada Kandriga Village, Tada Mandal, Nellore District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh represented by its Principal Chief Conservator of Forests
APHB Buildings, M.J. Market, HYDERABAD.
2 The Chief Conservator of Forests Guntur Circle, Paryavaran Bhavan
Medical Club Road, near District Collectorate, Guntur.
3 The Divisional Forest Officer Opp. Nippo Factory, Nellore
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more in the nature of writ of mandamus, declaring the action of the respondents in not disposing of representations made by the petitioners one way or the other in spite of lapse of more than a year as being illegal, arbitrary and violative of Articles 14,21, and 300-A of the Constitution of India, consequently direct the respondents to dispose off the representation dated 15.5.2003 and the reminders there to forthwith.

Counsel for the Petitioners:MR.C.A.RSESHAGIRI RAO

Counsel for Respondent NO.1&3: Govt. Pleader for Forests.

Counsel for the Respondent Nos 2 and 3.: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

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WRIT PETITION NO.15752 OF 2004

ORDER:-

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal at the stage of Interlocutory Application.

This writ petition is filed, inter alia, seeking a writ of Mandamus to declare the action of the respondents in not disposing of the representation filed by the petitioners as illegal.

Case of the petitioners is that their lands had not only mango gardens but also Red Sanders, which had been raised by the original owner, from whom they purchased the lands. They applied to the respondent authorities for permission to fell some of the Red Sander trees and accordingly third respondent granted permission. Though the said Red Sander was disposed of, the vendors authorized them to obtain fresh licence and deal with the stored Red Sanders timber as well as the live trees and accordingly they applied to third respondent on numerous dates. The respondents have not disposed of the said applications. Hence, this writ petition.

In the counter-affidavit filed by the respondents, certain objections have been taken in regard to entitlement of the petitioner in respect of such permission. On such objection, the matter could not be disposed of.

Having heard the learned counsel on either side and on perusal of the material on record, it is seen that admittedly there are representations made by the petitioners to the respondents which are still pending consideration. Even though certain objections are raised by the respondents to the effect that the petitioners are not entitled for permission to deal with the stored Red Sanders, however, the same cannot be made part of enquiry or consideration of the said representations of the petitioners.

Accordingly, this writ petition is disposed of directing the respondents to consider and dispose of the representations of the petitioners within a period of four weeks from today after giving notice and opportunity to the petitioners. No costs.

3—11—2004.

Stv/-

ASSISTANT REGISTRAR.

//TRUE COPY//

SECTION OFFICER

To

1 The Principal Chief Consevator of Forests, Government of Andhra Pradesh , APHB Buildings, M.J. Market, HYDERABAD.
2 The Chief Conservator of Forests Guntur Circle, Paryavaran Bhavan Medical Club Road, near District Collectorate, Guntur.
3 The Divisional Forest Officer Opp. Nippo Factory, Nellore Nellore District.

4. Two C.Cs to the Government Pleader for Forests, High Court Buildings,

Hyderabad. (OUT)

5. Two C.D. Copies.